

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JACOB W. DENG,

Defendant.

CASE NO. 8:14CR174

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant Jacob W. Deng's notice of appeal (Filing No. 83) and his affidavit regarding permission to appeal in forma pauperis (Filing 84) filed by the Defendant's retained counsel. It now appears that the Defendant is requesting that his current counsel be appointed for the appeal of this matter.

Federal Rule of Appellate Procedure 24(a)(1) provides that a defendant requesting appointed counsel on appeal must file in district court a motion for leave to proceed in forma pauperis and attach an affidavit that, in pertinent part, “shows in the detail prescribed by Form 4 of the Appendix of Forms the party’s inability to pay or give security for fees and costs.” Fed. R. App. P. 24(a)(1)(A). While it appears that the Defendant has filed an affidavit, no motion accompanies the affidavit as required by Rule 24(a)(1). After the appropriate motion has been filed, the Defendant’s request will be reconsidered.

IT IS ORDERED that the Defendant is denied, without prejudice, leave to proceed in forma pauperis on appeal.

DATED this 10th day of July, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge